

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
April 12, 2021

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Bridget Anderson, at 10:31 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Conference Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 4.2.2021.

Members Present (11):

The following members answered roll call:

Bridget Anderson, Chair (in room)
Matt Bavougian, Member (on phone)
Shannon Bingham, Member (on phone)
Vicki Criswell, Member (on phone)
Jacqueline Hornig, Secretary (on phone)
Ruth Lucas, Member (on phone)
Marie Nordboe, Member (on phone)
Becky Pettigrew, Member (on phone)
Brandy Phillips, Member (in room)
Pamela Rowland, Vice-Chair (on phone)
Harold "Buddy" Sims, Member (on phone)

Others Present in Conference Room:

Kris Chiles, Program Manager, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Natalee Hart, Assistant Attorney General
Larry Wiehn, Investigations

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Rowland moved, seconded by Pettigrew, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES

Deferred

4. COVID-19: Executive Orders, Directed Health Measures

<https://dhhs.ne.gov/licensure/Pages/Cosmetology-and-Esthetics.aspx>

Members provided updates relating to each of their counties:

- members continue to wipe chairs and capes down
- 2 minute contact sprays a good idea

5. UPDATES/FOLLOW-UP:

a. 2021 Legislation:

- LB 19: Provides for a new definition of "nail technology" which includes natural nail care, defines "pedicuring," and allows for licensure of nail technology apprentice salons. Creates a license for "Temporary Body Art Facility" and "Body Art Guest Artist", and updates the definition for cosmetic tattooing. LB 19 also allows for all practices licensed under the Board of Cosmetology,

Electrology, Esthetics, Nail Technology, and Body Art to take their respective licensing exam in multiple languages.

Rowland reported LB 19 is on general file.

11:00 a.m. Trevor Klaassen and Mark Meyerson, DHHS investigators entered the call

b. Jurisprudence Examination Re-Write

Work continues to update the jurisprudence examination to match the regulations.

c. Statistics: Examinations, Licensing, Administrative Penalties, and Disciplinary/Non-Disciplinary Information

Chiles reported the following statistics:

Body Art Renewals (expired 3.31.2021): Failed to renew – 113 facilities, 3 branders, 59 body piercers, 89 permanent color technicians, and 140 tattoo artists.

6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

10:51 a.m. O'Toole exited the call

MOTION: Bavougian moved, seconded by Pettigrew, to enter into closed session at 10:52 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

10:58 a.m. Klaassen entered the call
11:14 a.m. Bingham and Sims exited the call (conflict of interest)
11:21 a.m. Sims re-entered the call
11:24 a.m. Bingham re-entered the call
11:26 a.m. Klaassen exited the call
11:30 a.m. Wiehn exited the room
12:07 p.m. Harrison exited the room
1:03 p.m. Hart exited the room
1:04 p.m. O'Toole entered the call
1:19 p.m. Bingham exited the call (conflict of interest)

7. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

1:33 p.m. Verbal agreement from all board members to enter into open session; Hart entered the meeting room

Conviction Reviews

Kristyn Andrews: Cosmetology - Initial

MOTION: Nordboe moved, seconded by Criswell, to recommend a 6-month probation with the following terms and conditions: Successfully pass the jurisprudence examination. Basis: Conviction and failure to report. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Jill Anson: Cosmetology- Reinstatement

MOTION: Pettigrew moved, seconded by Nordboe, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Jonathan Fleming: Tattoo Artist – Initial

Motion: Nordboe moved, seconded by Criswell, to recommend issuance of the license. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Shana Hazen: Body Piercer - Initial

MOTION: Nordboe moved, seconded by Criswell, to recommend a 6-month probationary reinstatement with the following terms and conditions: Successfully complete the jurisprudence examination and the Standard Terms and Conditions of probation. Basis: Conviction History and Failure to Disclose 22 Convictions. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Heather McCollum:

Motion: Lucas moved, seconded by Pettigrew, to recommend issuance of the license. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Stephany Mendez: Permanent Color Technician – Initial

Motion: Phillips moved, seconded by Rowland, to recommend issuance of the license. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Angela Phipps: Esthetics - Reinstatement

MOTION: Lucas moved, seconded by Criswell, to recommend a 6-month probationary reinstatement with the following terms and conditions: Successfully complete the jurisprudence examination and the Standard Terms and Conditions of probation. Basis: Conviction History and Failure to Disclose all Convictions. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Saw Rambo: Tattoo - Initial

MOTION: Nordboe moved, seconded by Criswell, to recommend a 6-month probation with the following terms and conditions: Successfully complete the jurisprudence examination and the Standard Terms and Conditions of probation. Basis: Practice for 760 days prior to application. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Jodi Rezabek: Esthetics – Initial

Motion: Nordboe moved, seconded by Lucas, to recommend issuance of the license. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Elizabeth Vant Hul: Cosmetology – Initial

Motion: Nordboe moved, seconded by Lucas, to recommend issuance of the license. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Stina Vongphakdy: Esthetics - Initial

MOTION: Nordboe moved, seconded by Criswell, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Tiffany Wolfe: Cosmetology - Initial

MOTION: Nordboe moved, seconded by Hornig, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Mallory Pofahl: Esthetics and Permanent Color Technician - Initial

MOTION: Nordboe moved, seconded by Pettigrew, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Terriana Black: Tattoo Artist - Initial

MOTION: Nordboe moved, seconded by Bavougian, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Wyatt Feiling: Cosmetology – Initial

MOTION: Nordboe moved, seconded by Hornig, to recommend a 6-month probation with the following terms and conditions: Successfully complete the jurisprudence examination and the Standard Terms and Conditions of probation. Basis: Conviction history and failed to disclose convictions. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Tiffany Beyer: Cosmetology – Reinstatement

MOTION: Criswell moved, seconded by Rowland to recommend a 2-year probation with the following terms and conditions: Abstain from alcohol/controlled substances, Random body fluid screens, Comply with all treatment recommendations and those in the future, Quarterly employer reports, and the Standard Terms and Conditions of probation. Basis: Conviction and diagnosis. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Reinstatement after Discipline Reviews

Dylan Dortch: Cosmetology

MOTION: Criswell moved, seconded by Pettigrew, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Alexander Theis: Cosmetology – Reinstatement (early release from probation)

MOTION: Criswell moved, seconded by Rowland, to recommend denial of reinstatement due to the terms and conditions of probation have not been met as set out in the Order on Agreed Settlement signed March 27, 2020. A roll call vote was taken. Voting aye: Anderson, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (10). Voting nay: None (0). Abstain: Bingham (1). Absent: None (0). Vacant positions (2). Motion carried.

Amanda (Villalon) Kelley: Cosmetologist - Reinstatement (early release from probation)

MOTION: Criswell moved, seconded by Rowland, to recommend denial of reinstatement due to insufficient documentation to support early release from probation. A roll call vote was taken. Voting aye: Anderson, Bavougian, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

8. ADJOURNMENT

Anderson announced the next meeting is scheduled on 5.10.21 as a conference call and declared the meeting adjourned at 2:02 p.m.

Submitted,

Jackie Hornig, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Licensure Unit